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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
FLOURNOY, HORACE L	
ART UNIT	**PAPER NUMBER**
2189	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/787,066	CASSORLA ET AL.	
	Examiner	Art Unit	
	Horace L. Flournoy	2189	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The instant application having Application No. **10/787,066** has a total of *21* claims pending in the application; there are *3* independent claims and *18* dependent claims, all of which are ready for examination by the examiner.

INFORMATION CONCERNING OATH/DECLARATION

Oath/Declaration

The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in **37 C.F.R. 1.63**.

REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by **Hirota et. al (U.S. Patent Number 6,976,635 hereafter referred to as Hirota).**

With respect to **independent claim 1,**

> *"A computer system, comprising: a processor* **[Hirota discloses in FIG. 3, element 110, "CPU"]** *coupled to data processing system components;* **[Hirota discloses in FIG. 3, element 114 *couples* the CPU to elements 117-120, e.g.]** *first memory* **[Hirota discloses in FIG. 3, element 109, "Semiconductor Memory Card"]** *including protected memory space having protected system functionality components stored therein* **[Hirota discloses in FIG. 5, element 332, "Authentication Area"]** *and unprotected memory space having a custom system functionality component stored therein;* **[Hirota discloses in FIG. 5, element 331, "Non-Authentication Area"]** *and second memory accessible by the processor and coupled to said first memory;* **[Hirota discloses in FIG. 3, element 112, "RAM"]** *wherein said protected system functionality components and said custom system functionality component are loadable into said second memory from said first memory."* **[Hirota discloses this limitation e.g. in FIG. 6, elements 101, 109, and 201]**

With respect to **claim 2,**

> *"The computer system of claim 1 wherein said protected system functionality components and said custom system functionality components are comprised by system management software."* **[Hirota discloses in column 1, lines 29-36,**

"...the digital contents to be stored in the semiconductor memory card need to be encrypted beforehand using a key or the like to prevent unauthorized copying of the digital contents. Also, an arrangement is required so that file management software programs, many of which are standard equipment on commercial PCs, cannot copy the digital contents to other storage mediums."]

With respect to **claims 3, 11, and 17,**

"The computer system of claim 2 wherein said custom system functionality component **[Hirota discloses in FIG. 5, element 331, "Non-Authentication Area"]** *is stored in place of a corresponding default system functionality component of said system management software."* **[Hirota discloses in column 12, lines 29-34, "...data can be read/written from/to the non-authentication area 331 without an authentication process. Accordingly, a file management software program being a standard equipment on the PC 102 can be used to read/write data from/to the non-authentication area 331, as with a flash ATA or a compact flash."]**

With respect to **claim 4,**

"The computer system of claim 1 wherein said first memory is non-volatile memory." **[Hirota discloses in FIG. 5, element 303, "Flash Memory" Also see column 2, lines 4-6]**

With respect to **claim 5,**

"The computer system of claim 4 wherein said non-volatile memory is flash memory." **[Hirota discloses in FIG. 5, element 303, "Flash Memory"]**

With respect to **claim 6,**

"The computer system of claim 5 wherein: the processor is a service processor; **[Hirota discloses in FIG. 3, element 110, "CPU"]** *and said second memory is service processor main memory."* **[Hirota discloses in FIG. 3, element 112, "RAM." The examiner interprets RAM as main memory, which is also notoriously well known to persons of ordinary skill in the art.]**

With respect to **claim 7,**

"The computer system of claim 1 wherein: said protected system functionality components are exclusively configurable by a original equipment manufacturer of the system; and said custom system functionality component is configurable by any entity, including the original equipment manufacturer of the system." **[Hirota discloses in column 2, lines 20-25, "With the above construction, the data being an object of copyright protection can be stored in the authentication area and other data can be stored in the non-authentication area, which makes it possible to achieve a semiconductor memory card which is capable of storing both digital contents to be copyright-protected and other data together." The examiner interprets the authentication area as the area which is exclusively configurable by an OEM. Furthermore, this limitation is also taught in Hirota in column 1, lines 37-62.]**

With respect to **claim 8,**

"The computer system of claim 7 wherein: said protected system functionality components and said custom system functionality component are comprised by system management software; **[Hirota discloses in column 1, lines 29-36, "...the digital contents to be stored in the semiconductor memory card need to be encrypted beforehand using a key or the like to prevent unauthorized copying of the digital contents. Also, an arrangement is required so that file management software programs, many of which are standard equipment on commercial PCs, cannot copy the digital contents to other storage mediums." Also taught in Hirota in column 1, lines 37-62.]** *said first memory is flash memory;* **[Hirota discloses in FIG. 3, element 109, "Semiconductor Memory Card"]** *and said second memory is service processor main memory."* **[Hirota discloses in FIG. 3, element 112, "RAM." The examiner interprets RAM as main memory, which is also notoriously well known to persons of ordinary skill in the art.]**

With respect to **claim 9,**

"The computer system of claim 1, further comprising: a component creation utility **[disclosed, e.g. in FIGs. 1 and 2]** *configured for facilitating creation and loading of said custom system functionality component."* **[Hirota discloses this limitation, e.g. in column 9, lines 3-31]**

With respect to **independent claim 10,**

"A method for facilitating customization of an embedded system, comprising: storing a custom system functionality component in unprotected memory space of first memory; **[Hirota discloses this limitation e.g. in column 9, lines 27-31]** *loading protected system functionality components and said custom system functionality component into second memory from said first memory in response to activating a service processor coupled to said second memory;* **[disclosed, e.g. in column 9, lines 19-22]** *and performing service processor functionality in accordance with at least a portion of said protected system functionality components and said custom system functionality component."* **[Hirota teaches that the "PC" element 102 of FIG. 1 can do all of the above limitations.]**

With respect to **claims 12 and 18,**

"The method of claim 10 wherein: said protected system functionality components are stored in a compressed format in protected memory space of said first memory; said custom system functionality component is stored in a compressed format in said unprotected memory space of said first memory; and loading said protected system functionality components and said custom system functionality component into said second memory includes uncompressing said protected system functionality components and said custom system functionality component." **[Hirota discloses in column 9, lines 10-14, "...a descrambler 117 for descrambling the encrypted music data read out from the memory card 109, an AAC decoder 118 conforming to MPEG2-AAC (IS013818-7) standard for decoding the descrambled music data, a D/A converter 119 for**

converting the decoded digital music data into an analog audio signal..." Hirota teaches storing *protected as well as custom system components* (each inside of the memory card) in their respective memory spaces in a compressed format (MPEG2-AAC). Hirota also teaches uncompressing each of the components (decoder 118 and converter 119)]

With respect to **claim 13 and 19,**

"The method of claim 10, further comprising: facilitating creation of said custom system functionality component." **[Hirota discloses this limitation in column 9, lines 3-31.]**

With respect to **claim 14 and 20,**

"The method of claim 13 wherein: facilitating creation of said custom system functionality components **[Hirota teaches that the "PC" element 102 of FIG. 1 can *create custom system functionality components.*]** *includes identifying a collection of default system functionality components;* **[Hirota teaches this limitation e.g. in column 2, lines 11-18, "...authentication unit..."]** *and each one of said default system functionality components is replaceable with a corresponding customized system functionality component."* **[FIGs. 14A-14D]**

With respect to **claims 15 and 21,**

"The method of claim 14 wherein storing said custom system functionality component **[Hirota discloses in FIG. 5, element 331, "Non-Authentication Area"]** *includes overwriting a corresponding one of said default system*

functionality components with said custom system functionality component." **[Hirota discloses in column 12, lines 29-34, "...data can be read/written from/to the non-authentication area 331 without an authentication process. Accordingly, a file management software program being a standard equipment on the PC 102 can be used to read/write data from/to the non-authentication area 331, as with a flash ATA or a compact flash."]**

With respect to **independent claim 16,**

"A computer system, comprising: at least one data processing device; **[Hirota discloses in FIG. 3, element 110, "CPU"]** *instructions processable by said at least one data processing device;* **[Hirota discloses in FIG. 6]** *and an apparatus from which said instructions are accessible by said at least one data processing device;* **[Hirota discloses in FIG. 3, elements, 107 and 109]** *wherein said instructions are configured for enabling said at least one data processing device to facilitate: storing a custom system functionality component in unprotected memory space of first memory;* **[Hirota discloses this limitation e.g. in column 9, lines 27-31]** *loading protected system functionality components and said custom system functionality component into second memory from said first memory in response to activating a service processor coupled to said second memory;* **[disclosed, e.g. in column 9, lines 19-22]** *and performing service processor functionality in accordance with at least a portion of said protected system functionality components and said custom system functionality component."* **[Hirota teaches that the "PC" element 102 of FIG. 1 can do all of the above limitations.]**

CONCLUSION

Status of Claims in the Application

The following is a summary of the treatment and status of all claims in the application as recommended by **M.P.E.P. 707.07(i):**

Claims rejected in the Application

Per the instant office action, claims **1-21** have received a first action on the merits and are subject of a first action non-final.

Direction of Future Correspondences

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Horace L. Flournoy whose telephone number is (571) 272-2705. The examiner can normally be reached on Monday through Friday 8:00 AM to 5:30 PM (ET).

Important Note

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Sparks can be reached on (571) 272-4201. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 746-7239.

Information regarding the status of an Application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or PUBLIC PAIR. Status

information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Reginald G. Bragdon
REGINALD G. BRAGDON
PRIMARY EXAMINER

Horace L. Flournoy

Patent Examiner

Art unit: 2189

Supervisory Patent Examiner

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